IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 17658 OF 2007(B)

PETITIONER:

V.S.PURUSHOTHAMAN,
VANPARAMBIL HOUSE, PADIYUR VILLAGE,
PADIYUR P.O., MUKUNDAPURAM TALUK,
TRICHUR DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

1. THE ASSISTANT EXCISE COMMISSIONER,
TRICHUR.

2. THE DISTRICT COLLECTOR,
TRICHUR.

3. S.I. OF POLICE,
IRINJALAKUDA.

4. C.I. OF POLICE,
IRINJALAKUDA.

5. VELURKKARA GRAMA PANCHAYATH,
VELURKKARA, POTTANALLUR P.O.,
IRINJALAKKUDA, TRICHUR.

6. MALLIKA, W/O. SUBRAMANIYAN,
KOVILAKATH HOUSE, NADAVARAMBA, IRINJALAKKUDA.

7. MOHANAN, S/O. VELAYUDHAN,
PARAPPURATH HOUSE, NADAVARAMBU, IRINJALAKKUDA.

8. SUMA, W/O. KUTTAN,
KARAYIL HOUSE, NADAVARAMBU, IRINJALAKKUDA.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE LICENCE ISSUED BY THE 1ST RESPONDENT DATED 26.5.2007.

EXT.P2 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT DATED 23.5.2007.

EXT.P3 TRUE COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE 2ND RESPONDENT DATEDE 26.5.2007.

RESPONDENTS' EXHIBITS:

EXT.R5(a) TRUE COPY OF THE STOP MEMO OF VELUKKARA PANCHAYAT DATED 4.6.2007.

EXT.R5(b) TRUE COPY OF THE RESOLUTION OF THE PANCHAYAT DATED 11.5.2007.

EXT.R5(c) TRUE COPY OF THE LETTER AND ENDORSEMENT OF DISTRICT COLLECTOR THRISSUR DATED 8.6.2007.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN & K. HEMA, JJ.
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W.P.(C) NO. 17658 OF 2007
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DATED THIS, THE 28TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner seeks police protection for running a toddy shop on the basis of Ext.P1 license issued in his favour.

2. The 5th respondent Panchayat, on appearance, filed a detailed counter affidavit. According to them, under the Panchayat Raj Act, a license is required under the Licensing of Dangerous and Offensive Trade Rules, for conducting abkari shops within the Panchayat area. The application for licence submitted by the petitioner has been rejected by the Panchayat as per its order dated 4.6.2007, produced as Ext.R5(a) herein. He can pursue his remedies based on Ext.R5(a) before appropriate authorities. As the matter stands, since no license has been granted by the Panchayat, we cannot possibly grant any relief to the petitioner.

Petitioner can move this Court on a later occasion if he gets relief against Ext.R5(a).

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-